

REMARKS

Claims 1-13, 15,16, and 18 are pending in this application. Claims 13, and 18 were amended. Support for all amendments may be found in the original application and the cancelled claims. The following remarks shall address the pending claims.

In the Office Action, claims 1-13, 15,16, and 18 were rejected under 35 U.S.C. § 101. It was asserted that claims 1,10, and 13 merely manipulate data or an abstract idea, or merely solves a mathematical problem without a limitation to a practical application. Applicants traverse this rejection for the following reasons.

Claims 1, 10 and 13 have a practical application. Each claim is directed to a method of inspecting ophthalmic parts by determining whether a printed colorant pattern on an ophthalmic part with a colorant is placed in the appropriate position on that ophthalmic part. *See*, U.S. Pat. App. No. 10/706,561 page 1-2, lns. 29-3. All claims recite this application and methods of inspecting contact lenses have long been recognized as patentable subject matter. *See*, U.S. Pat. App. No. 10/706,561 page 1, lns 11-21. Applicants respectfully submit that the rejection of claims 1-19 under 35 U.S.C. § 101 has been overcome and should be withdrawn.

In the Office Action claims 13, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rhody et al (US 6047082). It was asserted that Rhody disclosed inspecting an ophthalmic part by “capturing an image of the ophthalmic part, capturing the reference image of a standard ophthalmic part and comparing the intensities of the image. *See*, Office Action para. 4, citations omitted Applicants traverse this rejection for the following reasons.

Applicants’ invention as claimed by claims 3, 15, and 16 inspects ophthalmic parts to determine if colorant is appropriately applied to the part by comparing the center of the part to be inspected to the center of a reference standard. *See*, U.S. Pat. App. No. 10/706,561, claims 1, 10 and 13. This method would not be suggested to one of ordinary skill in view of Rhody. Rhody takes an image of a contact lens, at a first optical inspection station, rotates the lens, and takes another image of the lens at a second optical inspection station. *See*, Rhody, col. 6, lns, 16-45. Particularly Rhody determines whether “particulate contaminants in the saline solution and spot or scratches on the bottom of the cuvette... will move relative to the lens when the cuvette is rotated” *See*, Rhody col. 6, lns, 47-52. Rhody would not suggest to one of ordinary skill,

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comparing the a single image to a reference standard and finding the center in order to determine if a pattern is appropriated placed on an ophthalmic part.

Further it was asserted that even though “Rhody fails to explicitly disclose the thresholds as claimed in the claims, it is a design choice to have or to prefer the thresholds, in order to compare the results.” *See*, Office para. 4. However, since Rhody does not teach comparing the center of one image to the center of a reference standard, the threshold limits of Applicants’ claim 15 invention would not be suggested to one of ordinary skill in view of Rhody. Still further, even though Rhody teaches automatic systems, those systems differ from Applicants’ claimed invention as discussed above. Therefore, claim 16 would not be suggested to one of ordinary skill in view of Rhody.

In view of the foregoing amendments, remarks, and pending terminal disclaimer Applicants respectfully submit that all pending claims are in condition for allowance and respectfully solicit a Notice of Allowance. If the Examiner believes that an interview might expedite the disposition of this case, the Examiner is invited to call the undersigned agent at 732-524-1024.

Respectfully submitted,

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